

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDDYSTONE RAIL COMPANY, LLC \*

Plaintiff/Counter-Defendant

VS.

\* No. 2:17-cv-00495-RK

JULIO RIOS, JEREMY GAMBOA,  
BRIDGER LOGISTICS, LLC,  
FERRELLGAS PARTNERS, L.P.,  
FERRELLGAS, L.P., BRIDGER REAL  
STORAGE, LLC, BRIDGER SWAN  
RANCH, LLC, BRIDGER TERMINALS,  
LLC, J.J. LIBERTY, LLC, BRIDGER  
ADMINISTRATIVE SERVICES II, LLC,  
BRIDGER ENERGY, LLC, BRIDGER  
LAKE, LLC, BRIDGER LEASING, LLC,  
and BRIDGER MARINE, LLC,  
Defendants

BRIDGER LOGISTICS, LLC,  
FERRELLGAS PARTNERS, L.P., and  
FERRELLGAS, L.P.,

Defendants/Counterclaims \*

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VIDEO DEPOSITION OF KELLY STEVEN WILKINS

OCTOBER 26, 2018

VOLUME 1 OF 1

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VIDEO DEPOSITION OF KELLY STEVEN WILKINS, produced  
at the instance of Defendant, and duly sworn, was taken  
in the above-styled and numbered cause on the 26th day  
of October, 2018, from 9:16 a.m. until 6:07 p.m.,  
before Carol S. Temperton, CSR, in and for the State of  
Texas, reported by stenograph machine, at the offices  
of Cokinos Young, Four Houston Center, 1221 Lamar  
Street, 16th Floor, Houston, Harris County, Texas,  
pursuant to the Federal Rules of Civil Procedure and  
the provisions stated on the record.

TAXABLE COST: \_\_\_\_\_  
PAID BY: \_\_\_\_\_  
TBA NO.: \_\_\_\_\_  
JOB NUMBER: \_\_\_\_\_

1 Kelley from Lynn, Pinker, Cox & Hurst representing  
2 Julio Rios and Jeremy Gamboa.

3 KELLY STEVEN WILKINS,  
4 having been first duly sworn, testified on his oath as  
5 follows:

6 EXAMINATION

7 BY MS. HARTLEY:

8 Q Great. Thank you, Mr. Wilkins, for being here  
9 today. Could you state your full name for the record?

10 A My name is Kelly Steven Wilkins.

11 Q I'm just going to go over some of the basics  
12 of depositions here today so that hopefully we can all  
13 be respectful and I won't talk over you and you won't  
14 talk over me and the court reporter can get everything  
15 down.

16 A Okay.

17 Q Have you had your deposition taken before?

18 A I did in -- it was a criminal -- yes, I have.

19 Q Okay. So --

20 A But not with television cameras.

21 Q Fair enough. So the videographer will have  
22 the camera focused on you, but our hope is that we can  
23 all talk slowly enough that the court reporter can get  
24 down what we're saying and that we don't speak over  
25 each other. So please wait until I've asked my

1           Q     Have you had any conversations with any  
2 individuals at Canopy about the issues in this  
3 litigation?

4           A     No, I have not.

5           Q     And how about with anybody at Bridger  
6 Logistics or Ferrellgas?

7           A     Not Ferrellgas. I have -- I've seen some  
8 folks who I used to work with at Bridger on occasion.  
9 We have not discussed the litigation. They have been  
10 social events, but I've seen them and shook hands, say,  
11 "How are you doing? What's life going on?" And, "Oh,  
12 my God, this case is going on. Yeah, it sucks." That  
13 kind of stuff, so, I mean, that's about it.

14          Q     Okay. Now, could you let us know your current  
15 residence?

16          A     My current residence?

17          Q     Your current residence.

18          A     My current residence is 9 -- is in Spring,  
19 Texas. I can give you the address if you'd like. It's  
20 the same residence I've had since 2000.

21          Q     Would you mind just for the record?

22          A     No, 9035 Kilrenny Drive in Spring, Texas.

23          Q     Thank you. Now, are you currently employed?

24          A     No.

25          Q     What was your last employment?

1 A Ferrellgas in October of 2016.

2 Q Okay. When did you begin work at Ferrellgas?

3 A I began work at Ferrellgas when it was -- they  
4 acquired Bridger Logistics. I began work for Bridger  
5 Logistics in June of 2014.

6 Q Now, during your time at Ferrellgas, were you  
7 employed by Ferrellgas itself or by Bridger Logistics?  
8 Who was your actual employer?

9 A I always worked for Bridger Logistics.

10 Q Okay.

11 A I think. Okay. I mean, seriously, I stayed  
12 with the Bridger Logistics company. I mean, it was --  
13 I worked for Julio Rios that entire time.

14 Q And while you were with Bridger Logistics  
15 before the Ferrellgas acquisition, were you similarly  
16 employed by the Bridger Logistics entity?

17 A Yeah.

18 Q When did you start with Bridger Logistics?

19 A June 15th of 2014.

20 Q 2014. And what was your role at Bridger  
21 Logistics?

22 A I was a senior vice-president of business  
23 development.

24 Q And could you explain for us what that role  
25 entailed?

1 the name.

2 A No, no. It was one of a series of pipeline  
3 expansions that Enbridge undertook from 2005 to  
4 present, which increased the pipeline capacity from  
5 80,000 barrels a day to 750,000 barrels a day.

6 Q Okay. And over time did your focus shift to  
7 other business development projects?

8 A I became -- my primary responsibilities were  
9 supporting the organization operations and commercial  
10 operations up in North Dakota. Eventually I got  
11 transferred up there and became full-time living up  
12 there.

13 Q And at the time that you left Enbridge and  
14 went to work for Bridger Logistics, were you still  
15 stationed out of North Dakota?

16 A Well, I had a residence -- I always maintained  
17 my residence in Houston.

18 Q Okay.

19 A And I had a three-year-old son when I got  
20 transferred to North Dakota, and I kept -- my son has a  
21 residence in North Dakota, which I used to live in. I  
22 have ten children. And anyway, my transition from  
23 North Dakota to Houston was -- was as -- I -- you know,  
24 I quit my job in North Dakota, came back to Houston  
25 basically.

1 the interest in Eddystone Rail Company?

2 A Well, this is the company we created and it's  
3 identical to Enbridge Rail Berthold or North Dakota,  
4 LLC.

5 Q What do you mean that it's identical?

6 A Well, I mean, that's kind of why we had it set  
7 up that way, so we could have a Berthold Rail and an  
8 Enbridge Rail. We had multiple rail facilities. They  
9 could be lumped up.

10 Q So Enbridge Rail (Philadelphia) was set up  
11 solely for the purpose of holding the rail facility --

12 A Yeah.

13 Q -- Eddystone in Philadelphia?

14 A That's my recollection.

15 Q Okay. Now, do you know who the owners of  
16 Enbridge Rail (Philadelphia), LLC, were? Was it a  
17 wholly owned subsidiary of some other entity?

18 A It would have been -- for Enbridge Rail?  
19 Enbridge is -- Enbridge owned Enbridge Rail and it  
20 rolled up into Enbridge, Inc., because we -- it didn't  
21 roll up into Enbridge EEP, Energy Partners. I know. I  
22 don't know how it -- I think that was your original  
23 document how we got up the tree.

24 Q Correct. And do you recall any discussions  
25 other than with counsel around the rationale for

1     you became aware of?

2           A     I became aware of it later. As they started  
3     the refinery up, my understanding is that they had  
4     nobody skilled in trading products, let alone selling  
5     them. So what they did was they worked a deal with  
6     British Petroleum or BP to where they would give them  
7     all their products and get jet fuel back in New York  
8     and Los Angeles. And that's the extent of my knowledge  
9     of it, but I know that they had this relation -- this  
10    supply agreement, exchange relationship.

11          Q     So I want to make sure I understand if BP had  
12    anything to do with Eddystone and the --

13          A     Well --

14          Q     -- the companies that you were marketing for  
15    the purposes of bringing crude into Eddystone?

16          A     Well, I mean, we talked to -- later when we  
17    were marketing the project, we talked to BP  
18    representatives and let them know what we were trying  
19    to do. They could certainly be a party to it and fold  
20    that into whatever business they wanted to do. We  
21    never took them as exclusive. We knew they had a  
22    contract and they were a supplier and we certainly  
23    wanted their business, and we didn't treat them any  
24    differently from the others that we talked to.

25          Q     Did they ultimately make any commitment,



1 identification and is attached hereto.)

2 Q (BY MS. HARTLEY) So when we get this document  
3 before you, I want you to help me understand or see if  
4 you have an understanding of what it is. It's a  
5 document that's marked as Exhibit 14 with Bates number  
6 ERCEDPA 00015572. And not concerned with the  
7 PowerPoint in the back.

8 MR. AGUSTI: Excuse me. Do you have a  
9 third copy?

10 MS. ANDEMARIAM: I think I handed you  
11 three.

12 MR. AGUSTI: Oh, I see.

13 MS. ANDEMARIAM: Okay.

14 A Okay.

15 Q (BY MS. HARTLEY) So I'm just focused on the  
16 e-mail on the front.

17 A Okay.

18 Q But for purposes of completeness, we provide  
19 you the attachments.

20 A Okay.

21 Q It's an e-mail from you to Kevin Hatfield and  
22 Mike Moeller on June 5th, 2012, correct?

23 A Yep.

24 Q And I want to understand your recollection of  
25 what was going on here. You say, "BP just made the

1 call on Eddystone."

2 A It's pretty abbreviated.

3 Q "They are evaluating which sites to use to  
4 feed Delta Trainer and after a 30-second chat said  
5 we're the ones they're going to go with."

6 A Well, again, I just got this from Rob  
7 Stevens. He was my contact at BP, and he was the guy  
8 who did the one train a day at Berthold. And look at  
9 the date on this, June 5th, 2012. We're negotiating  
10 the MOU for the first time, and you can see that this  
11 presentation is very much North Dakota-based, right,  
12 capacity and rates and all that. And I'm still  
13 selling, which I seem to round up and positively, and  
14 I'm trying to sell to my boss the idea that, "Hey, I  
15 just got off the phone with BP. And guess what? They  
16 just got this Delta Trainer thing," which I probably  
17 learned about. "And I sent them my slides and we're  
18 going to work on getting this thing done." And they  
19 mentioned working with Bridger Transfer Services, which  
20 is our other Berthold Rail customer again, for at least  
21 40 a day. So guess what? What I want to have happen,  
22 North Dakota barrels going to Eddystone will work, and  
23 here's one of -- two of my existing customers can work  
24 out a deal where they can make that happen. Let's  
25 facilitate it. That's what I was trying to say in my

1 enthusiasm and brevity. Okay? That -- I have no --  
2 and other than him mentioning that, hey, could we work  
3 with Bridger? Great. He could have worked with MVP or  
4 Mickey Mouse. You know, it's the same thing. It was  
5 just a rail customer to get to there. And I liked it  
6 because it was a nice, tight package.

7 Q All right.

8 MS. HARTLEY: Could I have tab 15,  
9 please.

10 Q (BY MS. HARTLEY) So it sounds like you were  
11 being enthusiastic, but did you ultimately get a  
12 commitment of any sort from BP for the Eddystone Rail  
13 facility?

14 A No.

15 Q Did you get any type of clarification on what  
16 the possibility of a working relationship between BP  
17 and Bridger Transfer Services --

18 A Well, I thought they were backing them up. I  
19 mean, it's not an uncommon thing.

20 Q What do you mean by backing them up?

21 A Okay. Imagine you have a Uber -- you're in  
22 the Uber business, okay, and I'm a hotel and --

23 Q Sorry. Please go ahead.

24 A No, you're fine. And I just -- basically we  
25 make an arrangement where you're going to always drive

1 your Uber to my hotel. Okay. Great. And I don't need  
2 to be in the middle of that. I own the hotel and you  
3 and the guy with all the customers work something out.  
4 I don't need to be a party to understand it. I think  
5 it's great that you guys are doing business together to  
6 bring business to my business. I mean, how do you do  
7 that? It's -- there's -- it happens all the time.  
8 It's how most of the oil in volumes and gases are  
9 trans -- are transacted in business.

10 (Exhibit Number 15 was marked for  
11 identification and is attached hereto.)

12 Q (BY MS. HARTLEY) So if you could look at the  
13 document that's been marked as Exhibit 15, hopefully  
14 this will clarify why I'm questioning this. So this is  
15 a document that's Bates numbered ERCEDPA 00003025.

16 A Okay.

17 Q From you to Kevin Hatfield, amongst others,  
18 regarding Eddystone Rail announcement. Do you see  
19 that?

20 A Yeah, I do.

21 Q Okay. And if you would look at the first  
22 paragraph, "We have very strong verbal commitments  
23 supporting Eddystone. BP has given the Bridger Group a  
24 50-million-dollar line of credit to start buying crude  
25 for Eddystone, and they wanted to fully subscribe the

1 Phase I capacity of 80,000 bpd" or barrels per day.

2 A Uh-huh.

3 Q Is that what you were talking about when you  
4 said backing them up?

5 A Yeah. Basically, I mean, BP has got better  
6 credit than those nations, right? And so if you need  
7 to go buy barrels and you don't have a lot of assets or  
8 you don't have an extra \$400 million in the bank to go  
9 buy a barrel and sell it over the next two months, the  
10 guy says, "I'll back your credit up with the bank so  
11 you can buy the barrel and make your 15 or 20 cents a  
12 barrel through the middle of it." It's a standard  
13 practice. So they're backing them up with a credit or  
14 buying the contract. But basically BP -- and I'm  
15 telling him that Bridger -- now, keep in mind, BP had  
16 an exclusive supply arrangement at Trainer at the  
17 time. So now Bridger has got a way to feed half or up  
18 to full capacity with BP. Great. Good. And this is  
19 good news. Okay. So, I mean, I -- why is there an  
20 issue with this?

21 Q Just wanted to make sure I understood when you  
22 said backing up if this is what you were referring to.

23 A It just meant that they had come to terms  
24 somehow -- and it may not be permanent -- that BP would  
25 buy the barrels from Bridger to feed Trainer.

1 Q Now, at this point in time this is September  
2 24th, 2012.

3 A Yep.

4 Q Had Bridger given any commitments to 80,000  
5 barrels per day to Eddystone Rail Company or to you at  
6 Enbridge?

7 A Nothing binding. It wouldn't be more than,  
8 "Hey, I want to do it."

9 Q And had they given you a, "Hey, I want to do  
10 80,000 barrels per day" at that time?

11 A If they didn't, I didn't believe it, ma'am.  
12 Okay? I mean, I was looking at them as just being a  
13 middleman for BP. And I would have been thinking, "I  
14 want BP to sign my contract." Okay?

15 Q So why is it then that BP didn't sign a  
16 contract?

17 A Because they preferred to have Bridger supply  
18 the barrels and do the rail contracts and all that  
19 work. So this way Bridger could do the work and give  
20 them the oil and make a nickel and they get the oil.

21 Q And Enbridge ultimately had to have been  
22 comfortable having Bridger Transfer Services as opposed  
23 to BP as their counter-party?

24 A Yeah, and by the time we signed the contract,  
25 they had already demonstrated the ability to do that

1 with their Berthold business and they had regretted not  
2 taking more at Berthold. They were very capable guys  
3 and doing -- I mean, by this time they were the  
4 up-and-coming oil company. It was like working with  
5 Elon Musk. Okay. Great. Let's go. And they had the  
6 support of BP with them. Let's do it.

7 Q All right. And I apologize for jumping a  
8 little bit around chronologically, but I want to talk  
9 about the economics of the project --

10 A Okay.

11 Q -- and sort of what the expectations were  
12 going into it. So if you have in front of you a  
13 document that will be marked as Exhibit 16, which is  
14 from May -- mid-May of 2012 with Bates number ERCEDEPA  
15 00173151.

16 (Exhibit Number 16 was marked for  
17 identification and is attached hereto.)

18 Q (BY MS. HARTLEY) And I'd like to focus on the  
19 middle e-mail from you to Roland Walters and others  
20 regarding questions regarding Eddystone Rail  
21 opportunity. Do you see that?

22 A Okay.

23 Q And so looking at your -- I'll give you a  
24 moment to take a look at it. I apologize.

25 A Okay. So your question is what?

1 wouldn't you like them? They were just a good customer  
2 and they were building their business. And if you're  
3 selling assets, that's a good customer to find.

4 Q Sure. So in that lead-up period to 2012 when  
5 you were exploring the Eddystone Rail facility, so  
6 before you started that process --

7 A Uh-huh.

8 Q -- do you recall that there were a number of  
9 different leases that Bridger Transfer Services took  
10 for Enbridge stations in North Dakota?

11 A Yeah. They started out they had one lot at  
12 Stanley and then they took one at Berthold. And then  
13 as I put on Little Muddy and Reserve, Grenora, as we  
14 made room in all the spots, they wanted one. Great.  
15 Here's the contract. Got it back signed, and they went  
16 and built their stuff. Operations people, got along  
17 with them. They were easy to work with, very  
18 competent, very professional. And when we did Berthold  
19 Rail, not a lot of bitching and moaning. They just did  
20 their thing and got it done and then took care of it.  
21 So, I mean, it was a good business partner.

22 Q And so do you recall which of the Bridger  
23 Group entities actually contracted for those various  
24 stations?

25 A Yeah, it was Bridger Transfer Service.



1 Q And did you understand at the time why it was  
2 Bridger Transfer Services as opposed to another entity  
3 that you were contracting with for those leases?

4 A Ma'am, I -- it's similarly to which company --  
5 we've spent a lot of time this morning talking about  
6 Enbridge and Enbridge, Inc., and all that. I mean, it  
7 was always Bridger; and it was, like, this is the  
8 company they want their business to be conducted with  
9 for this type of work. And it worked with us and my  
10 counsel said, "Great. Let's go with them." So we  
11 contracted between Bridger Transfer Services and  
12 Enbridge Pipeline (North Dakota) or Enbridge Rail  
13 (North Dakota) and that's how we did it and it worked.  
14 And as, you know, you go to find out, you know, that  
15 was all their business. You check around and other  
16 people are doing the same thing. So that was the  
17 Bridger/Bridger.

18 Q And so when you had the storage tank, for  
19 example, you had an Enbridge storage entity that would  
20 then contract with the Bridger storage entity?

21 A I think that was with Transfer Services as  
22 well.

23 Q Okay.

24 A And they took a -- they took a -- in fact,  
25 they leased both of the tanks.



1 receipt of the transcript. If returned, the attached  
2 Changes and Signature Page contains any changes and the  
reasons therefor;

3 \_\_\_\_\_ was not requested by the deponent or a party  
before the completion of the deposition.

4 I further certify that I am neither counsel for,  
related to, nor employed by any of the parties in the  
5 action in which this proceeding was taken, and further  
that I am not financially or otherwise interested in  
the outcome of the action.

6

\*\*\*\*\*

7

8 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

9

10

11



*Carol Temperton*

12

Carol S. Temperton, CSR

CSR Certificate Number: 3128

Expiration: December 31, 2018

13

Firm Registration Number: 633

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